

JONATHAN K. LEVINE (SBN 220289)
jkl@pritzkerlevine.com
ELIZABETH C. PRITZKER (SBN 146267)
ecp@pritzkerlevine.com
SHIHO YAMAMOTO (SBN 264741)
sy@pritzkerlevine.com
PRITZKER LEVINE LLP
180 Grand Avenue, Suite 1390
Oakland, CA 94612
Telephone: (415) 692-0772
Facsimile: (415) 366-6110

DANIEL C. GIRARD (SBN 114826)
dcg@girardgibbs.com
AMANDA M. STEINER (SBN 190047)
as@girardgibbs.com
ELIZABETH A. KRAMER (SBN 293129)
eak@girardgibbs.com
GIRARD GIBBS LLP
601 California Street, Suite 1400
San Francisco, CA 94104
Telephone: (415) 981-4800
Facsimile: (415) 981-4846

STEVEN N. WILLIAMS (SBN 175489)
swilliams@cpmlegal.com
MATTHEW K. EDLING (SBN 250940)
medling@cpmlegal.com
ALEXANDRA P. SUMMER (SBN 266485)
asummer@cpmlegal.com
COTCHETT, PITRE & MCCARTHY, LLP
San Francisco Airport Office Center
840 Malcolm Road, Suite 200
Burlingame, CA 94010
Telephone: (650) 697-6000
Facsimile: (650) 697-0577

Plaintiffs' Interim Co-Lead Counsel

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTHERN CALIFORNIA
SAN JOSE DIVISION

IN RE: LENOVO ADWARE LITIGATION

This Document Relates to All Cases

Case No. 5:15-md-02624-RMW

STIPULATION AND ~~PROPOSED~~ CASE
MANAGEMENT ORDER NO. 4

1 The initial pre-trial schedule in this matter was set forth in the Court's September 1, 2015
2 Order. *See* Dkt. No. 85. On October 7, 2015, the parties jointly requested an extension of the deadlines
3 for plaintiffs to file their consolidated complaint and for defendants to file their motions to dismiss.
4 The stipulation did not request that any other pre-trial dates be extended. The stipulation was so
5 ordered by the Court the same day. *See* Dkt. No. 90.

6 Plaintiffs filed their consolidated complaint on November 12, 2015. *See* Dkt. No. 96. During
7 this same period, plaintiffs and Superfish were negotiating the terms of proposed settlement and then
8 documenting that settlement.

9 On January 21, 2016, Lenovo moved to dismiss the consolidated complaint. *See* Dkt. No. 98.
10 Superfish did not file a responsive pleading. Instead, the Court permitted a stay of all deadlines as to
11 Superfish pending the filing of a settlement agreement. *See* Dkt. No. 102. On February 11, 2016,
12 plaintiffs and Superfish filed their settlement agreement along with a joint motion to stay the litigation
13 against Superfish in light of the proposed settlement. The stipulation was so ordered by the Court on
14 March 4, 2016. *See* Dkt. No. 111.

15 The settlement required Superfish to cooperate with and provide relevant information to
16 plaintiffs. Additionally, Lenovo expected that it would be producing additional documents. Taking
17 into consideration the volume of anticipated discovery, the parties agreed that extending certain
18 deadlines was warranted. Plaintiffs and Lenovo filed a stipulation requesting adjustments to the pre-
19 trial schedule. The Court entered the revised schedule on March 4, 2016. *See* Dkt. No. 110.

20 On April 1, 2016, the Court held a hearing on Lenovo's motion to dismiss. Following the
21 hearing, counsel for Lenovo and counsel for the plaintiffs met and conferred regarding the pre-trial
22 schedule. Plaintiffs are continuing to review the materials provided by both Superfish and Lenovo, and
23 plaintiffs and Lenovo are in the early phases of selecting and working with their respective experts.
24 Lenovo and plaintiffs believe that an extension of the deadlines in the pre-trial schedule will allow
25 important progress to be made on these discovery tasks prior to the class certification briefing. An
26 extension will also allow the parties to litigate class certification with the benefit of the Court's ruling
27 on the motion to dismiss.
28

1 NOW THEREFORE, the parties, by and through their respective counsel of record, hereby
2 stipulate as follows:

3 1. The date by which plaintiffs file their class certification motion shall be extended from
4 May 6, 2016 to June 21, 2016;

5 2. The non-expert discovery cut-off shall be extended from July 27, 2016 to August 24,
6 2016;

7 3. The date by which expert reports are served shall be extended from August 26, 2016 to
8 September 23, 2016;

9 4. The date by which opposition expert reports are served shall be extended from
10 September 26, 2016 to October 24, 2016;

11 5. The date by which reply expert reports are served shall be extended from October 17,
12 2016 to November 7, 2016; and

13 6. The date by which summary judgment/dispositive motions are filed shall be extended
14 from November 11, 2016 to December 2, 2016.

15 SO STIPULATED.

16
17 Dated: April 14, 2016

PRITZKER LEVINE LLP

/s/ Elizabeth C. Pritzker

Jonathan K. Levine (SBN 220289)
Elizabeth C. Pritzker (SBN 146267)
180 Grand Avenue, Suite 1390
Oakland, California 94612
Telephone: (415) 692-0772
Facsimile: (415) 366-6110
jkl@pritzkerlevine.com
ecp@pritzkerlevine.com

GIRARD GIBBS LLP

/s/ Daniel C. Girard

Daniel C. Girard (SBN 114826)
Amanda M. Steiner (SBN 190047)
Elizabeth A. Kramer (SBN 293129)
601 California Street, Suite 1400

San Francisco, CA 94104
Telephone: (415) 981-4800
Facsimile: (415) 981-4846
dcg@girardgibbs.com
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COTCHETT, PITRE & McCARTHY, LLP

/s/ Matthew K. Edling

Steven N. Williams (SBN 175489)
Matthew K. Edling (SBN 250940)
Alexa P. Summer (SBN 266485)
San Francisco Airport Office Center
840 Malcolm Road, Suite 200
Burlingame, CA 94010
Telephone: (650) 697-6000
Facsimile: (650) 697-0577
pgregory@cpmlegal.com
swilliams@cpmlegal.com
medling@cpmlegal.com

Plaintiffs' Interim Co-lead Counsel

K&L GATES LLP

/s/ Daniel J. Stephenson

Daniel J. Stephenson (SBN 270722)
10100 Santa Monica Blvd., 7th Floor
Los Angeles, CA 90067
Telephone: (310) 552-5000
Facsimile: (310) 552-5001
Dan.stephenson@klgates.com

Counsel for Defendant Lenovo

PROPOSED ORDER

Pursuant to Stipulation, it is SO ORDERED.

DATED: 4/28/2016



HONORABLE RONALD M. WHYTE
UNITED STATES DISTRICT COURT JUDGE

ATTESTATION

I, Elizabeth C. Pritzker, am the ECF user whose ID and password are being used to file this document. In compliance with Local Rule 5-1(i)(3), I hereby attest that all other signatories listed have concurred in this filing.

/s/ Elizabeth C. Pritzker

Elizabeth C. Pritzker